

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicants : Mast et al.
Serial No. : 10/721,034
Filed : November 24, 2003
Title : METHOD FOR MONITORING OF MEDICAL TREATMENT USING
PULSE-ECHO ULTRASOUND
Docket : END5042USCIP
Examiner : Baisakhi Roy
Art Unit : 3737

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER

I, Verne E. Kreger, Jr., represent that I am an attorney of record for the above-captioned application and am authorized to execute this terminal disclaimer on behalf of Ethicon Endo-Surgery, Inc.

I certify that I have reviewed the evidentiary documents and, to the best of my knowledge and belief, Ethicon Endo-Surgery, Inc., a corporation of the State of Ohio, is the assignee of the entire interest in the whole of the inventions disclosed in the above-captioned patent application by virtue of a first assignment from Douglas T. Mast to Ethicon Endo-Surgery, Inc. recorded on November 24, 2003 at reel number 014746 and frame number 0589 and a second assignment from Waseem Faidi, Inder Raj S. Makin, Peter G. Barthe and Michael H. Slayton to Ethicon Endo-Surgery, Inc. recorded on November 8, 2004 at reel number 015958 and frame number 0537.

Furthermore, I certify that I have reviewed the evidentiary documents and, to the best of my knowledge and belief, Ethicon Endo-Surgery, Inc. is the assignee of the entire interest in the whole of the inventions disclosed in U.S. Patent No. 7,211,044 by virtue of a first assignment from Douglas T. Mast and Waseem Faidi to Ethicon Endo-Surgery, Inc. recorded on December 12, 2003 at reel number 014817 and frame number 0090 and a second assignment from Inder Raj S. Makin, Peter G. Barthe and Michael H. Slayton to Ethicon Endo-Surgery, Inc. recorded on October 22, 2004 at reel number 015912 and frame number 0881.

Ethicon Endo-Surgery, Inc. hereby disclaims the terminal part of the statutory term of any patent that should issue from the above-captioned patent application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 7,211,044. Ethicon Endo-Surgery, Inc. further agrees that any patent that should issue from the above-captioned patent application shall be enforceable only for and during such period that legal title to said patent shall be the same as legal title to U.S. Patent No. 7,211,044.

Ethicon Endo-Surgery, Inc. does not disclaim any terminal part of any patent that should issue from the above-captioned patent application prior to the expiration date of U.S. Patent No. 7,211,044 in the event that U.S. Patent No. 7,211,044 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

This terminal disclaimer is binding upon Ethicon Endo-Surgery, Inc., its successors and assigns.

The extent of interest in the inventions for which this terminal disclaimer is being made is in the whole of the inventions.

The \$140.00 statutory disclaimer fee set forth in 37 C.F.R. § 1.20(d) is submitted herewith.

Respectfully submitted,

/Verne E. Kreger, Jr., Reg. #35231/
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